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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,111	09/26/2003	Andrew Lohbihler	4261/CIP	7735

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Harris Zimmerman
Law Offices of Harris Zimmerman
Suite 710
1330 Broadway
Oakland, CA 94612-2506

EXAMINER	
DINH, DUC Q	

ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,111	LOHBIHLER ET AL.	
	Examiner	Art Unit	
	DUC Q. DINH	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,17-21 and 24-30* is/are rejected.

7)☒ Claim(s) *16,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 and 24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13 and 19 of copending Application No. 09/877,622. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reason set forth below.

Claim 1 of the current application 10/672.111	Claim 13 of the co-pending application 09/877,622
In a touch screen assembly having at least one touch input device adapted to provoke a touch	In a touch sensing system for identifying at least one active touch stimulating device, an

detection on a touch screen, the improvement comprising:	apparatus for powering the active touch stimulating device, comprising:
a conductive layer joined to said touch screen;	a touch sensing area in which said at least one active touch stimulating device operates;
an RF generator connected to said conductive layer to create an EM standing wave in said conductive layer;	a transducer disposed operatively associated with said touch sensing area for transmitting a power signal to said at least one active touch stimulating devices;
signaling means in said at least one touch input device for receiving power from said EM standing wave and emitting a device signal;	each of said active touch stimulating devices including means for receiving said power signal and converting said power signal to electrical operating power for said active touch stimulating device;
said touch screen assembly including detection means for receiving said device signal and determining the location of said at least one touch input device on said touch screen.	said transducer includes a first antenna extending about the perimeter of said touch sensing area, and further including means for driving said first antenna to generate an EM field within said touch sensing area.

The different between two applications is that the at least touch simulating device in co-pending application 09/877, 622 does not emitting a signal device and the current pending application does not have a transducer associated in the touch sensing area for transmitting a power to the at least one touch simulating device, i.e. the input device. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to recognize that the simulating device (input device) would transmit the device signal for the touch sensing system for identifying the at least one active touch simulating device of 09/877,622; and the conductive

connected to the conductive layer RF in application 10/672,111 would transmit a power signal to said at least one active touch stimulating devices when the input touch the touch sensing area. The same comparison is applied to claim 24 of currently pending application and claim 19 or co-pending application 10/672111.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 1 and 24 are rejected on the ground of nonstatutory double patenting over claims 1, 7 and 9 of U. S. Patent No. 6,700,567 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Claim 1 of the current pending application	Claim 1 of the patent 6,700567
In a touch screen assembly having at least one touch input device adapted to provoke a touch detection on a touch screen, the improvement comprising:	In a powered input device for a touch screen system and display screen that includes an electronic signaling circuit in the input device, the improvement comprising: .
a conductive layer joined to said touch screen;	
an RF generator connected to said conductive	means for transmitting RF energy to the

layer to create an EM standing wave in said conductive layer;	vicinity of said touch screen system;
signaling means in said at least one touch input device for receiving power from said EM standing wave and emitting device signal;	means in said input device for receiving said RF energy and converting the received RF energy to a power signal;
said touch screen assembly including detection means for receiving said device signal and determining the location of said at least one touch input device on said touch screen.	means for connecting said power signal to said electronic signaling circuit; said input device being free of any mechanical connection to said touch screen system

The different between pending claim 1 of the pending application and claim 1 of patent U.S Patent No. 6,700,567 is the conductive layer to joint the screen. It would have been obvious for one of ordinary skill in the art at the time of the invention to recognize the conductive layer in the pending claim is means for connecting power signal to said electronic signaling circuit in the patented claim. Similar comparison is applied to claims 1 with claims 7 and 9 of the U.S Patent No. 6,700,567.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6,11,24-27 are rejected under 35 U.S.C. 102(a) as being anticipate by Katsurahira et al. (U.S Patent No 5,682,019).

In reference to claim 1, Katsurahira discloses a touch screen assembly (system in Fig. 6) having at least one touch input device (40) adapted to provoke a touch detection on a touch screen (tablet in Fig. 6), the improvement comprising:

a conductive layer joined to said touch screen (a group of loop coils 51A and 51B);

an RF generator (oscillator 54) connected to said conductive layer to create an EM standing wave in said conductive layer (col.12, oscillator 54 coupled to the coils 51A and 51B and generate frequency signal to create electromagnetic wave in the coils area; col. 12, lines 20-25 and 65-67);

signaling means (pen 40) in said at least one touch input device (tablet) for receiving power from said EM standing wave (the position pointing device arranged such that power supply circuit is made with an alternating current voltage developing the resonance circuit 73 being rectified by the rectifier 81, the pointing device does not required a special power supply such as battery; col. 13, lines 10-15 and 36-40) and emitting a device signal (the signal transmit from the position pointing device and received by the reception coil 52; col. 12, lines 26-27);

said touch screen (tablet) assembly including detection means (reception loop coils 52, amplifier 56, detector 57, trailing edge detector 58) for receiving said device signal and determining the location of said at least one touch input device (40) on said touch screen (col. 12, lines 25-39).

In reference to claim 2, Katsurahira discloses the signaling (pen 70 in Fig. 7) includes rectifying means (81) for generating and separating positive and negative waveforms (as illustrated in Fig. 8, in this position pointing device 70 prior to the partial scanning for the position detection, the tablet side transmits an electric wave for a given time period or more so as

to charge the power supply, when the both output signal a of the comparator 75 and output signal c of the amplifier are in the high-levels, the analog switch 80 is turned on, thereby separating the charging time period for charging time period for the power supply and the time period for the position detection Figs. 7- 8; col. 13, lines 25-35).

In reference to claim 3, Katsurahira discloses the input pen (70 in Fig. 7) including a voltage regulator (electric source in Fig. 7) to regulate said positive waveform and generate a power signal (the positive wave form generates electric source, See Fig. 7).

In reference to claim 4, Katsurahira discloses the touch input device (70 in Fig. 7) including a microprocessor (comparator 75; AND gate 76) powered by said power signal (col. 13, lines 39-45).

In reference to claim 5, Katsurahira discloses touch input device (70) including an RF attenuator (analog switch 80), said negative waveform being conducted to said RF attenuator (the signal from the comparator 75 inputted to the circuit 76 and being conducted to analog switch 80 to be attenuated in analog switch 80; col. 13, lines 5-10).

In reference to claim 6, Kasurahira discloses the signaling means (pen 70) including means (75) for driving said RF attenuator (80) to produce a coded pulse train that comprises said device signal (the comparator 75 output signal when the input from the detector 74 exceeds a predetermined threshold level for driving the coded pulse for the device signal and transmitting the code to the tablet; col. 13, lines 1-5).

In reference to claim 11, Kasurahira discloses the detection means comprising a plurality of sensors (coils 52) connected to said conductive layer (coils 51A and 51B).

In reference to claim 24, Katsurahira discloses a method for operating a touch screen (system in Fig. 6) assembly that has a touch screen (tablet) and at least one touch input device (40), including the steps of:

providing a conductive layer joined to the touch screen (group of loop coils 51A and 51B joined the tablet);

generating an EM standing wave in said conductive layer (oscillator 54 generate electromagnetic EM signal on coil area);

said at least one touch input device (40) receiving a power signal from said EM standing wave (the position pointing device arranged such that power supply circuit is made with an alternating current voltage developing the resonance circuit 73 being rectified by the rectifier 81, the pointing device does not required a special power supply such as battery; col. 13, lines 10-15 and 36-40) and emitting a device signal (the electromagnetic wave is transmit from the position pointing device 40 and received by the reception coil 52; col. 12, lines 25-26);

said touch screen assembly receiving said device signal and determining the location of said at least one touch input device on said touch screen (reception loop coils 52, amplifier 56, detector 57, trailing edge detector 58 receiving said device signal from the input device and determining the location of the input device on said touch screen; col. 12, lines 25-39).

In reference to claim 25, Katsurahira discloses the step of rectifying said power signal in said at least one touch input device to generate separate positive and negative waveforms (pen 70 in Fig. 7, includes rectifying means (81) for generating and separating positive and negative waveforms; as illustrated in Fig. 8, in this position pointing device 70 prior to the partial scanning for the position detection, the tablet side transmits an electric wave for a given time

period or more so as to charge the power supply, when the both output signal a of the comparator 75 and output signal c of the amplifier are in the high-levels, the analog switch 80 is turned on, thereby separating the charging time period for charging time period for the power supply and the time period for the position detection Figs. 7- 8; col. 13, lines 25-35).

In reference to claim 26, Katsurahira discloses the step of rectifying the positive waveform to provide operating power to a microprocessor (the input pen 70 in Fig. 7 including a voltage regulator (81,74) to regulate said positive waveform and generate a power signal electric source, See Fig. 7).

In reference to claim 27, Katsurahira discloses the step of conducting the negative waveform to an RF attenuator (80) [the signal from the comparator 75 inputted to the circuit 76 and being conducted to analog switch 80 to be attenuated in analog switch 80; col. 13, lines 5-10] and driving said RF attenuator to produce a coded pulse train that comprises said device signal (the comparator 75 output signal when the input from the detector 74 exceeds a predetermined threshold level for driving the coded pulse for the device signal and transmitting the code to the tablet; col. 13, lines 1-5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 7-9,12-13, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurahira (U.S Patent No. 5,682,019) in view of Russell (U.S Patent No 5,138,118).

In reference to claim 7, Katsurahira does not disclose a touch input device including a user-operated switch, and means for signaling the operation of said switch. Russell discloses a pen for use with a digitizer tablet having an user operated switch (24) and means (20) for signaling touch input switch (the switch 24 is provided so that when the operator uses pen to touch the tablet, the switch indicated when the tip of the pen contact an upper surface of the tablet and drive circuit 20 includes circuitry 20a, coupled between the switch 24 and the coil drive circuit 20, see Fig. 2, col. 4, lines 16-20).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the user operated switch (24) and driver (20) for signaling the operation of said switch in Katsurahira device as taught by Russell because it would provide a switch and control means for encoding switch open/closed information and for modulating the transmitted pulses in accordance with the modulation technique in use (col. 4, lines 20-22 of Russell)

In reference to claim 8, Russell discloses means for signaling (20) operation of said switch includes means (20a) for inverting said coded pulse train as shown in Figs. 1C-D.

In reference to claim 9, Russell discloses said touch screen assembly (1A) further including means (36) for detecting said inverted coded pulse train and distinguishing operation of said switch (the phase recovery circuit 36 includes a phase-locked loop and generates a coherent detection clock (B) for use in decoding; col. 5, lines 1-5 and 29-35).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the recovering circuit for the tablet system of Katsurahira as taught by Russell because

it would provide a circuit for the tablet used in decoding phase shift keying (PSK) or frequency shift keying (FSK) pen state modulation signals; col. 5, lines 1-5 and 29-35)

In reference to claim 12, Kasurahira does not disclose each of said sensors is connected to sensor signal rectifier means for generating a negative waveform corresponding to the respective sensor signal. Russell discloses a plurality of sensor of a digitizer tablet is connected to a rectifier (34 AMP/DEMOD/DET, see Fig. 1A) for generating a negative waveform (c; Fig. 3B) corresponding to the respective sensor signal from coils 14 (when the coherent detection clock is low, the corresponding portion of the A signal is inverted at the output of the ADD 34. When the coherent detection clock is in phase with the signal (A), the output signal (C) resembles a positive full-wave rectified signal as shown in FIG. 3a. When the coherent detection clock out of phase with the signal A, as shown in FIG. 3b, the output (C) resembles a negative full-wave rectified signal; col. 5, lines 6-20 of Russell).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the rectifier circuit for the tablet system of Katsurahira as taught by Russell so as for a differentially obtained a coil signal, a determination of a coil signal is in phase or out of phase with other coil signal measurement (col. 5, lines 20-24 of Russell).

In reference to claim 13, Katsurahira discloses the negative waveform is conducted to an envelope detector (trailing edge detector 58) to remove RF components of said negative waveform (the falling timing of signal A after the detection is detected by the trailing edge detector 38, which in turn generates the signal B to be inputted to the time-measuring device 39. In addition, the transmission control signal st stops in response to the detection of the rise of the signal B. Fig. 5, col. 9, lines 50-55).

In reference to claims 28, Katsurahira does not disclose the step of providing a user-operated switch. Russell discloses a pen for use with a digitizer tablet having a user-operated switch (24) (the switch 24 is provided so that when the operator uses pen to touch the tablet, the switch indicated when the tip of the pen contact an upper surface of the tablet, see Fig. 2, col. 4, lines 16-20).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the user operated switch (24) in Katsurahira device as taught by Russell because it would provide a switch and control mean for encoding switch open/closed information and for modulating the transmitted pulses in accordance with the modulation technique in use (col. 4, lines 20-22 of Russell).

In reference to claim 29, Russell discloses step of signaling (driver 20; Fig. 2) operation of said switch (24) includes means (20a) for inverting said coded pulse train as shown in Figs. 1C-D.

8. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurahira in view of Lapstun et al. (U.S Patent No 6, 808,330).

In reference to claim10, Katsurahira does not disclose the device signal is CDMA (Code-Division Multiple Access) signals

Lapstun discloses a pen used as a position sensor with sense the relative position of the stylus nip, or force sensor can be used for a tablet in a non-marking mode (col. 7, lines 60-67) enable to emit communication signal, i.e.: device signal, using CDMA signal (col. 19, lines 49-55).

It would have been obvious for one of ordinary skill in the art at the time of the invention to learn the teaching of using the CDMA signal for transmitting device signal in the Katsurahira as taught by Lapstun because it would provide a pen that can transmit to net page server information relation to one or more attributes of visible marking placed on the substrate (col. 19, lines 49-55 of Lapstun).

9. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasurahira (U.S Patent No. 5,682,019) in view of Russell (U.S Patent No 5,138,118) as applied to claims 1-9, 11-13 and 24-29 above and further in view of Zank et al. (U.S Patent No. 5,420,379), hereinafter Zank.

In reference to claim 14, the combination of Katsurahira and Russell does not disclose the envelope detector is connected to voltage divider means for normalizing the strength of the sensor signal. Zank discloses a voltage divider 156 (Fig. 10) for a tablet coil (12) for sensing an average coil voltage signal, the stylus amplifier 58 comparing the average coil voltage with a counterpart of the oscillator output, designated OSC, for sensing variations in loading of the transmitter coil 22 by the stylus coil 36 (col. 16, lines 37-40).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the voltage divider for sensing an average voltage in the combination of Katsurahira and Russell for further data processing, i.e.: the stylus amplifier comparing the average coil voltage with a counterpart of the oscillator output, designated OSC, for sensing variations in loading of the transmitter coil by the stylus coil (col. 16, lines 37-40 of Zank).

In reference to claim 15, Russell discloses a digital to analog converter (38) for the tablet in Fig. 1A.

10. Claims 17-20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurahira(U.S Patent No. 5,682,019) in view of Kato et al. (U.S Patent No. 5,963,199), hereinafter Kato.

In reference to claim 17, Katsurahira does not disclose the tablet includes a plurality of said touch input devices, each generating a respective coded pulse train that uniquely identifies the respective touch input device. Kato discloses a data input device (3) in Fig. 1 includes a touchscreen 32 having a plurality of touch input devices (31a-31d) each generating a respective coded pulse train that uniquely identifies the respective input device (input devices 31a-31d generate different oscillating frequencies that uniquely identifies each of the input devices 31a-31d; Fig. 1, Fig. 4 col. 1, lines 59 through col. 6, line 10 and Fig. 3, lines 57-61).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide a plurality of touch input devices (31a-31d) having different frequencies in the device of Katsurahira as taught by Kato because it would provide an user-friendly touch input system having multiple input units to perform different functions and easily to manipulate (col. 2, lines 9-11 of Kato)

In reference to claim 18, Kato discloses the detection means (32) includes means (microprocessor 35 in Fig. 5) for receiving and detecting multiple coded pulse trains from said plurality of said touch input devices (Fig. 5, col. 7, lines 25-57).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modified the detecting system of Katsurahira as taught by Kato because it would provide a detecting circuit that would detect specific input signal according to the uniquely frequency associated with the different function assigned to each of the input devices.

In reference to claim 19, Katsurahira discloses means (time measuring device 59, Fig. 6) for controlling said RF generator to add a synch signal (st transmission control signal) to the output of said RF generator (54).

In reference to claim 20, Katsurahira discloses said synch signal comprises at least one short-period interruption of said RF signal (switch 60 which controls the timing, start or stop, of the electric-wave transmission).

In reference to claim 30, Katsurahira does not providing a plurality of said touch input devices, each generating a respective coded pulse train that uniquely identifies the respective touch input device. Kato discloses a data input device (3) in Fig. 1 includes a touchscreen 32 having a plurality of touch input devices (31a-31d) each generating a respective coded pulse train that uniquely identifies the respective input device (input devices 31a-31d generate different oscillating frequencies that uniquely identifies each of the input devices 31a-31d; Fig. 1, Fig. 4 col. 1, lines 59 through col. 6, line 10 and Fig. 3, lines 57-61).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide a plurality of touch input devices (31a-31d) having different frequencies in the device of Katsurahira as taught by Kato because it would provide an user-friendly touch input system having multiple input units to perform different functions and easily to manipulate (col. 2, lines 9-11 of Kato).

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsurahira (U.S Patent No. 5,682,019) in view of Kato (U.S Patent No. 5,963,199) as applied to claims 1-6 and 17 above and further in view of Lapstun et al. (U.S Patent No 6, 808,330).

In reference to claim 21, the combination of Katsurahira and Kato does not disclose the coded pulse trains comprise CDMA (Code-Division Multiple Access) signals

Lapstun discloses a pen used as a position sensor with sense the relative position of the stylus nip, or force sensor can be used for a tablet in a non-marking mode (col. 7, lines 60-67) enable to emit communication signal, i.e.: device signal, using CDMA signal (col. 19, lines 49-55).

It would have been obvious for one of ordinary skill in the art at the time of the invention to learn the teaching of using the CDMA signal for transmitting device signal in the combination of Katsurahira and Kato as taught by Lapstun because it would provide a pen that transmits to net page server information relation to one or more attributes of visible marking placed on the substrate (col. 19, lines 49-55).

Allowable Subject Matter

12. Claims 16, 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

None of the cited arts teaches or suggests a touch panel according to claim 15 wherein:

"the output of said analog/digital converter is conducted to CDMA detector means for detecting a CDMA code in the sensor signal" (claim 16).

None of the cited arts teaches or suggests the touch screen assembly of claim 21 wherein:

"the detection means includes matched-filter means for separating and detecting said CDMA signals of said plurality of touch input devices" (claim 22);

None of the cited arts teaches or suggests the touch screen assembly of claim 1 wherein

"a device power circuit is established by user touch applied to said at least one touch input device, said power circuit extending from said conductive layer through said at least one touch input device and thence through the body of the user to ground" (claim 23).

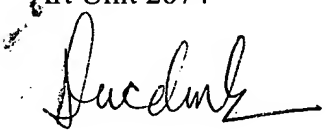
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2674



DQD
April 16, 2006